

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 994 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI and
MR.JUSTICE R.R.JAIN

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

AMRUTBHAI KHODABHAI RAVAT

Versus

STATE OF GUJARAT

Appearance:

MR PR NANAVATI for Petitioner
Mr.Y.F.Mehta, PUBLIC PROSECUTOR for Respondent No. 1
SERVED for Respondent No. 2
MR SS SHAH for Respondent No. 3

CORAM : MR.JUSTICE S.M.SONI and
MR.JUSTICE R.R.JAIN

Date of decision: 16/08/96

ORAL JUDGEMENT (Per Soni J.)

Today, petitioner Amrutbhai with his elder brother Bhikhabhai and maternal uncle Muljibhai, is present before the court. Harsha, with her mother and

father, is also present before the court.

On the last adjourned date, Harsha has specifically declined to join the petitioner. She has expressed her desire to stay with her parents. She has also narrated the circumstances under which Marriage Registration Form was signed by her. When this state of affair is brought to be notice of the petitioner, he has also expressed that under the circumstances if the girl wants to be divorced, he is also prepared to do so. In the presence of their near relatives referred above, they have agreed to give customary divorce within a week from today.

As girl Harsha has expressed desire not to go with the petitioner and when she has stated that she is not under any unlawful confinement by respondent no.3, the question of releasing her and entertaining this petition does not arise. In view of this fact, this petition is liable to be dismissed.

In view of the above state of affair, complainant Harsha has agreed not to prosecute her complaint pending with Dariapur Police Station, sent on enquiry by the court, being M.Case no.21/96 of 11.7.96. As the parties have agreed to divorce and when Harsha is not prepared to join the petitioner and petitioner also does not insist to prosecute indirectly this petition having agreed to give divorce, it will be in the fitness of the matter to quash the proceedings of that complaint. We, therefore, hereby quash M.Case no.21/96 pending with Dariapur Police Station and dismiss the present petition. Notice discharged. Order accordingly.
